

**REGULAR MEETING OF CITY COUNCIL
SEPTEMBER 18, 2007**

1:30 P.M.

PRESENT:	Jeff Brain Charles Gillingham Marvin Dickson Garrett Spradling Leon DeWeese	Mayor Council Member Council Member Council Member Council Member
ABSENT:	None	
STAFF:	Eddie Edwards Jimmy Adams Glynn Carlock Larry Mullenix Larry Byrd Bob Watson Jim Wolfe Danny Richards	Assistant City Manager Chief of Police Director of Finance Director of Planning & Zoning Code Enforcement Interim Fire Chief Fire Marshal EOC Coordinator
VISITORS:	Michael Plumley Jodina Plumley Jody Brock Bill Carder	Carder Engineering
NEWS MEDIA:	Michelle Berry	Borger News Herald

MONTHLY DEPARTMENTAL REPORTS APPROVED: Monthly departmental reports for the month of August were submitted for the review of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member DeWeese, to approve the reports. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

MINUTES APPROVED: Following review of the minutes of the Regular Meeting of September 4, 2007 and the Special Meeting of September 11, 2007, motion was made by Council Member DeWeese, seconded by Council Member Gillingham, to approve the minutes of September 4, 2007 to reflect the presence of News Media and 7:00 P.M. as the correct time of the meeting; and, the minutes of September 11, 2007 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PAYMENT OF EXPENDITURES APPROVED: Following review, motion was made by Council Member Spradling, seconded by Council Member Gillingham, to approve payment of the expenditures for the first half of September 2007 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE O-008-07 SETTING THE AD VALOREM TAX RATE FOR FY 2007-2008 APPROVED: Mayor Brain remarked that the Council had previously conducted two public hearings and this was the final step in approving the ad valorem tax rate for FY 2007-2008. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Dickson, to approve Ordinance O-008-07 on final reading. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The captioned ordinance reads as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES OF THE CITY OF BORGER, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008 AT THE RATE OF \$0.57997 PER ONE HUNDRED DOLLARS (\$100.00), AND FOR DIRECTING THE ASSESSMENT THEREOF; PROVIDING FOR A DATE ON WHICH SUCH TAXES BECOME DUE AND DELINQUENT TOGETHER WITH PENALTIES AND INTEREST THEREON; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

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ORDINANCE O-009-07 PERTAINING TO REFUSE RATES APPROVED: Assistant City Manager Eddie Edwards explained the proposed refuse rates for FY 2007-2008. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to approve Ordinance O-009-07 on final reading. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The captioned ordinance reads as follows:

AN ORDINANCE AMENDING THE CITY OF BORGER, CODE OF ORDINANCES, CHAPTER 13, UTILITIES, ARTICLE 13.06, SOLID WASTE, SECTION 13.06.045, CHARGES, (A), (1), (2), (3) AND (5) DESIGNATING CHARGES FOR REFUSE COLLECTION AND REMOVAL

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OPERATION FACELIFT APPROVED: Director of Planning and Zoning Larry Mullenix submitted an operation facelift from Audrey Thompson for the demolition of structures located on Lot 20 & S/35' of Lot 21, Block 11, Rock Creek (708 Bartush) for the Council's consideration. Following discussion, motion was made by Council Member Spradling, seconded by Council Member DeWeese, to approve the operation facelift as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PUBLIC HEARING CONDUCTED / PLAT APPROVED: Director of Planning and Zoning Larry Mullenix submitted a Preliminary and Final Plat from Mike Plumley for a 6.556 acre tract of land in the northwest quarter of Section 17, Block Y, M&C Survey. Bill Carder P.E., Carder Engineering briefly explained the plat. Following discussion, Mayor Brain opened the public hearing to allow for public comment. Mayor Brain asked if anyone present wished to make a comment; there being no comment, Mayor Brain closed the public hearing. Motion was made by Council Member DeWeese, seconded by Council Member Spradling, to approve the plat as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PUBLIC HEARING CONDUCTED / PLAT APPROVED: Mayor Brain recused himself due to a conflict of interest and left the Council Chambers. Director of Planning and Zoning Larry Mullenix submitted a Preliminary and Final Plat from the College Park Partners for a 1.286 acre tract of land in Section 22, Block Y, A&B Survey. Bill Carder P.E., Carder Engineering briefly explained the plat and the reasons for the requested variance on the side yard setback. Following discussion, Council Member Spradling, acting on behalf of the Mayor, opened the public hearing to allow for public comment. Council Member Spradling asked if anyone present wished to make a comment; there being no comment, Council Member Spradling closed the public hearing. Motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve the plat as submitted. The motion carried by the following vote:

Ayes: Charles Gillingham, Marvin Dickson, Garrett Spradling and Leon DeWeese.
Nays: None.

RESOLUTION R-011-07 PERTAINING TO TAX ABATEMENT APPROVED: Assistant City Manager Eddie Edwards submitted a resolution establishing a tax abatement incentive to Sunny Brook Assisted Living for the construction of a facility within the City of Borger and asked for Council's consideration of same. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Gillingham, to approve the resolution as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

The resolution reads as follows:

**ESTABLISHING A TAX ABATEMENT INCENTIVE FOR THE
CONSTRUCTION OF A FACILITY WITHIN THE CITY OF BORGER**

WHEREAS, the City Council adopted an ordinance on May 5, 1998 establishing Enterprise Zones and Reinvestment Zones, pursuant to the Texas Enterprise Zone Act and enacting guidelines and criteria for providing tax incentives to the owners of real property who propose to develop or construct eligible facilities within these zones, pursuant to the Texas Tax Code; and

WHEREAS, the City Council of the City of Borger finds it imperative to stimulate economic growth in the City by encouraging development and job creation through the provision of tax incentives; and

WHEREAS, such incentives will be offered, on a case-by-case basis, in compliance with the aforementioned ordinance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BORGER
DOES HEREBY RESOLVE AS FOLLOWS:**

The City Council hereby establishes a tax abatement incentive for the construction of a facility in Enterprise Zone One, to be known as Sunny Brook Assisted Living, as set out in the Objective Requirements of Exhibit B of the aforementioned ordinance.

The City Manager of the City of Borger is hereby authorized to create and execute all necessary documents as required by State Statute and the Texas Tax Code.

PASSED AND ADOPTED this 18th day of September, 2007.

Jeff Brain, Mayor

ATTEST:

Wanda Klause, City Manager

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QUESTIONS AND COMMENTS FROM CITIZENS: None.

MEETING ADJOURNED: There being no further business, motion was made by Council Member Gillingham, seconded by Council Member DeWeese to adjourn the meeting.

Mayor

ATTEST:

City Manager